

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIMINAL CASE NO.1:11-CR-161-1
JOHNNY REID EDWARDS)	
)	
)	

**JOHN EDWARDS' MOTION TO DISMISS THE INDICTMENT AS AN ABUSE
OF PROSECUTORIAL DISCRETION
(Motion to Dismiss No. 2)**

Pursuant to Federal Rule of Criminal Procedure Rule 12(b)(3) and the Due Process Clause of the Fifth Amendment, Mr. Edwards moves to dismiss the Indictment because it was obtained through an abuse of prosecutorial discretion and, alternatively, he seeks discovery in support of that motion.

Dated: September 6, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2011, I electronically filed the foregoing **MOTION TO DISMISS THE INDICTMENT AS AN ABUSE OF PROSECUTORIAL DISCRETION (Motion to Dismiss No. 2)** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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